

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7267**

**BILL NUMBER: HB 1991**

**DATE PREPARED:** Jan 13, 2001

**BILL AMENDED:**

**SUBJECT:** Court Costs in Proceedings to Appoint a Health Care Representative.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill prohibits a court clerk from collecting a filing fee in a proceeding to appoint a health care representative or a guardian for an individual who is developmentally disabled or mentally ill.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** The number of probate cases in which the proceeding is to appoint a health care representative or a guardian in these types of cases is not known. Between 1995 and 1999, the number of guardianship cases that are filed each year ranged between 6,600 and 7,000.

Under current law, the litigant is charged a \$120 filing fee for a petition for guardianship. The State General Fund receives \$84 for each case that is filed. Consequently, the revenue loss to the State General Fund would be \$84 for each case that the litigant no longer is liable to pay the filing fee.

This fiscal note will be updated if additional information becomes available.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** The county and local general funds receive 30% of court fees. Therefore, the local general funds will lose \$36 for each petition for guardianship for which a litigant no longer is required to pay a court fee.

**State Agencies Affected:**

**Local Agencies Affected:** Clerks of the Court.

**Information Sources:** 1999 Indiana Judicial Service Report.